

11-07-03

RCE/1600

**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Subsection (b) of 35 USC 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant application  
filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA)

Application No.	09/940,941
Filing Date	August 28, 2001
First Named Inventor	Sogabe et al.
Group Art Unit	1652 ✓
Examiner Name	E. Slobodyansky
Attorney Docket No	211352

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

**NOTE:** 37 CFR 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 CFR 1.53(d) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000). 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

**1. Submission required under 37 CFR 1.114**

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on May 1, 2001.  
(Any unentered amendment(s) referred to above will be entered.)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. ☐ Other:
- b. ☒ Enclosed
- i. ☒ Supplemental Amendment/Reply
- ii. ☒ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Form PTO-1449
- v. ☐ Copies of documents listed in Form PTO-1449
- vi. ☒ Other: Applicant Initiated Examiner Interview Request Form

**2. Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; fee under 37 CFR 1.17(i) required.)
- b. ☐ Applicant claims small entity status. See 37 CFR 1.27
- c. ☐ Other:

**3. Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ Please charge Deposit Account No. 12-1216 in the total amount indicated below. A duplicate copy of this transmittal sheet is enclosed herewith.
- i. ☒ RCE fee of \$770.00 (large entity) required under 37 CFR 1.17(e)
- ii. ☒ Four-month extension of time fee of \$1,480.00 (37 CFR 1.136 and 1.17)  
(based on May 6, 2003, receipt of Notice of Appeal by U.S. Patent and Trademark Office)
- iii. ☒ Petition for an extension of time for the period noted above, as well as for any additional period necessary to render the present submission timely. Please charge Deposit Account No. 12-1216 for the appropriate petition fee.
- iv. ☐ Suspension of action fee of \$130.00 (37 CFR 1.17(i))
- v. ☒ Other: No additional claim fee due. (Claims remaining after amendment: 42 total, 10 independent; highest number of claims previously paid for: 42 total, 10 independent)

**Total amount to be charged to Deposit Account**

770.00  
\$1,480.00

\$2,250.00

- b. ☒ The Commissioner is hereby authorized to charge any deficiencies in the above fees or to credit any overpayments to Deposit Account No. 12-1216

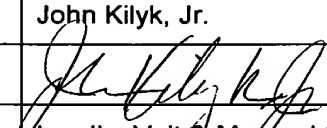
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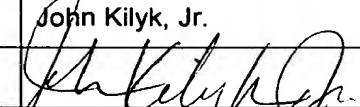
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**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED**

Name (Print/Type)	John Kilyk, Jr.	Registration No. (Attorney/Agent)	30,763
Signature		Date	November 6, 2003
Address	Leydig, Voit & Mayer, Ltd. Two Prudential Plaza, Suite 4900 180 North Stetson Avenue Chicago, Illinois 60601-6780	Phone	(312) 616-5600 (telephone) (312) 616-5700 (facsimile)

**CERTIFICATE OF MAILING UNDER 37 CFR 1.10**

I hereby certify that this RCE Transmittal and all accompanying documents are being deposited with the United States Postal Service on November 6, 2003, in an envelope as "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 CFR 1.10, Mailing Label Number EV 329750777 US, addressed to: Mail Stop RCE Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.			
Name (Print/Type)	John Kilyk, Jr.		
Signature		Date	November 6, 2003



**PATENT**  
Attorney Docket No. 211352  
Client Reference No. 20462-CPA-RI

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Sogabe et al.

Application No. 09/940,941

Filed: August 28, 2001

For: CREATINE AMIDINOHYDROLASE,  
PRODUCTION THEREOF AND USE  
THEREOF

Art Unit: 1652

Examiner: E. Slobodyansky

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**SUPPLEMENTAL RESPONSE TO OFFICE ACTION**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Further to the "Response to Office Action" dated May 1, 2003, please consider the following additional amendments and remarks.

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